BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED *

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1886.

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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department,—No. 734, dated 14th July 1887.

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1886.

REMARKS.—The year 1886 shows a decrease of 4,724 civil suits as compared with the figures for the preceding year. The decrease is said to be general, and not apparently due to any special cause. From 1881 to 1884 the number of civil suits annually instituted rose gradually from 254,690 to 262,860: in 1885, owing to the exclusion of revenue suits from the returns of civil litigation, the number fell to 247,047; while in the year under review it has been reduced to 242,323. Of this total, 208,874 suits, or 86 per cent., were brought to recover money due or moveable property, and the average value of such suits was Rs. 58-10-9 as compared with Rs. 59-10-1 in 1885. The proportion of contested suits to the total number decided was 29 as against 30 in the previous year, and of the suits contested 70 per cent. were decided in favour of the plaintiff. These figures call for no remarks; but the large proportion of uncontested civil suits, and the high percentage of successful institutions even where the claim has been resisted, show a marked contrast to the results obtained in the Criminal Courts of the Province, in which during the same period, out of 147,997 offences reported no less than 44,625 complaints were either summarily dismissed or were struck off the register on the application of the Police. It seems possible that the higher court fee required to bring a civil suit, except for the most insignificant amount, tends to prevent the same reckless abuse of the Civil Courts which is undoubtedly practised before the Magistrates. The remarks of the Divisional Judges of Umballa and Mooltan regarding the system of book-keeping adopted by money-lenders seem to show that the subject is one which demands investigation, with a view either to an amendment in the law of evidence in this respect or to greater caution on the part of the courts in the application of the law.

2. The number of cases in which interest was allowed on the amounts decreed has fallen to very little more than half of what it was last year, namely, 1,120 compared with 2,228 in 1885; and the Lieutenant-Governor is glad to observe that the remarks which have been made on this subject in the last three reviews have not been without the desired effect.

3. Notwithstanding the falling-off in the number of institutions, the pending file increased from 16,263 at the close of 1885 to 19,135 at the end of 1886, while the number of suits pending more than three months at the end of the previous year was 1,003 against 1,173 at the end of that under review. The reasons for the increase in the pending file are not apparent, for while 4,724 fewer suits were instituted during the year, the agency for their disposal was numerically almost identical with that of the previous year.

4. Considerable assistance was rendered by the Honorary Civil Judges, 55 in number, who disposed of more than 10,000 suits, and the Lieutenant-Governor desires to render his acknowledgments for the work performed by these gentlemen.

5. There has been a further increase in the proportion of decrees, the execution of which proved wholly infructuous.

The percentages for the last six years have been—

1881	...	...	38·2
1882	...	...	39·0
1883	...	...	42·3
1884	...	...	42·9
1885	...	...	45·4
1886	...	...	47·1

It is no doubt true that an unknown number of decrees are satisfied out of court, which from not being certified by the decree-holder are returned as wholly infructuous, but no reason has been assigned for an increased number of such settlements year by year, and unless it is proved that there has been that increase, the causes of the annually increasing percentage of infructuous executions may be traceable elsewhere. The Divisional Judge of Lahore has recorded his opinion that from cases which have come before him, he thinks there is a general slackness in procedure as compared with that in regular suits, and he believes that if the courts realized more fully that to execute a decree is almost as important as to pass one, the figures would show considerable improvement. From the remarks of the Divisional Judge of Umballa and the District Judges of Shahpur and Mooltan it appears that the low pay and consequent inefficiency of the Sheriff's establishment may have some connection with the unsatisfactory manner in which decrees are often executed. The Lieutenant-Governor thinks it evident that ordinary Mazkúrís on Rs. 5 or 6 a month are not fit to be entrusted with the duties of attaching property and conducting sales, and that special Bailiffs on higher pay must soon have to be employed for the purpose as in most other provinces. But, although this defect in establishment may in some small degree help to make executions of decree infructuous, improvement must depend principally upon the degree of interest in the subject taken by the presiding officers of each court, and upon their devoting more personal attention to the execution of decrees, and not regarding the subject as a matter of minor importance for which their subordinates are primarily responsible. The short period of limitation (20 days) allowed for the certifying of payments made out of court is noticed by the District Judge of Mooltan, and his remarks appear to the Lieutenant-Governor to deserve consideration.

6. The appellate work of the District Courts, that is of District Judges and of Subordinate Judges invested with appellate powers, was satisfactorily performed. The average duration of appeals was only 30 days, and of those pending at the close of the year, only 18 had been instituted over three months.

7. In paragraph 4 of the Review of the Report on the Administration of Civil Justice during 1885 it was explained that during that year it was found necessary to provide temporary assistance for clearing off the arrears of work which had accumulated in the Courts of the Divisional Judges by appointing six additional Judges for a period of six months. These appointments were not made until the middle of November 1885, and at the close of that year 6,800 appeals were pending in the Divisional Courts. During the year 1886 there were 13 permanent Civil Divisions, each with one Judge, and for the first 4½ months of the year six additional temporary Judges. The result has been that at the close of the year under review the pending file was reduced to 3,391 appeals. In the majority of courts the work is now not more than the Judges can efficiently cope with; but in view of the total amount of Civil and Criminal business which comes before the Divisional Courts of the Province, it is clear that with only thirteen Judges no possible grouping of districts into divisions will enable them to dispose of all the work as promptly as is desirable in the interests of good administration. The urgent necessity for the appointment of a fourteenth Divisional Judge was represented to the Government of India more than a year ago, and attention has more than once been since invited to the subject. The Judges of the Chief Court have therefore been compelled to bring to the notice of the Lieutenant-Governor the congested state of business in the Jhelum Divisional Court, where the Sessions cases are numerous and intricate, and the adoption of temporary measures of relief at any rate can no longer in justice to the public be deferred.

8. In the Chief Court during the first quarter of the year there were five Judges, and during the remaining three quarters only four. The institution of civil business of all sorts rose to 3,954 cases as compared with 2,681 in the previous year, the increase being almost entirely under the head of appeals from decrees and orders. This number of Judges was unable to keep pace

with this work, for while 3,856 appeals from decrees and orders were for disposal, only 2,052 were decided, leaving a pending file of 1,804 appeals on January 1st, 1887. In 1885 five Judges disposed of 1,422 Bench cases, while in 1886 four Judges disposed of 677 cases only. On the other hand, the details given of chamber work show 2,680 orders to 1,438 in 1885, and there has been an increase of disposals under the heads of applications for revision and miscellaneous cases. Other work has been kept up to date, but the Bench work has fallen heavily into arrears. Unless an addition is made to the strength of the Court, or an alteration is made in the law regulating the course of appeal, no improvement is to be expected. Whichever alternative is adopted by the Government of India and Her Majesty's Secretary of State for India, the Lieutenant-Governor trusts that the decision of the question will not be long delayed, and that some arrangements may be made at an early date for reducing the amount of work that has already accumulated in the Court. The Judges have made ineffectual efforts to grapple with the difficulty, and it is neither just to them nor to the litigants who use the Court to delay taking measures of relief: the resources of the country are being gradually developed, and its commerce is expanding, and it is essential that the highest civil tribunal in the Province should be in a position promptly to satisfy the wants of those who resort to it for justice.

ORDER.—Ordered that a copy of the above Review be furnished to the Registrar of the Chief Court, Punjab, for the information of the Judges and for circulation with the Report.

Ordered also that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

W. M. YOUNG,

Secretary to Government, Punjab.

Punjab Government Press, Lahore—14-7-87—302.

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APPENDIX.

Extracts from Annual Civil Reports of Divisional and District Judges

No. 2025.

FROM

T. GORDON WALKER, ESQUIRE,

Registrar, Chief Court, Punjab,

To

W. M. YOUNG, ESQUIRE,

Secretary to Government, Punjab.

Dated Lahore, the 26th May 1887.

SIR,

I am directed by the Judges to submit the report on the administration of Civil Justice in the Punjab for the year 1886.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTION, CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS.

Number of suits instituted

2. The number of suits instituted in the Civil Courts in each of the past five years has been as follows :—

GRADE OF COURT	1882	1883	1884	1885	1886
Chief Court .	1	1	3	4	3
Divisional Courts .	3		3	5	9
District Courts of general jurisdiction	236,147	239,814	241,197	225,392	218,427
District Small Cause Courts .	12,942	13,537	13,825	13,883	15,680
Cantonment Small Cause Courts ..	6,959	7,616	7,832	7,763	8,204
TOTAL . .	256,052	260,968	262,860	247,047	242,323

As explained in the report of last year, the decrease in the institutions of 1885 was due to the passing of the present Punjab Courts Act at the end of 1884, and the consequent transfer of certain classes of cases (Tenancy and Revenue) from the Civil to the Revenue Courts. The figures of 1886 show an actual decrease from the previous year in the number of suits brought; and this appears to be evenly distributed over the Province. No special reason for the falling off is assigned.

Classification of suits.

3. The following is a classified statement of the suits instituted in each of the past three years :—

Description of Suits		1884.	1885.	1886.
I.—Suits for money or moveable property.	On registered bonds	3,828	3,441	2,951
	On unregistered bonds	86,046	85,856	83,497
	Otherwise than on bonds	102,300	104,244	101,250
	For rent other than of land	3,306	3,015	2,923
	For moveable property or value thereof	13,500	14,794	14,602
	For damages	1,967	1,501	1,882
	Other suits	2,350	1,427	1,769
	Total	213,297	214,278	208,874
		81 *p. c.*	87 *p. c.*	86 *p. c.*
II.—Rent suits and suits under the Punjab Tenancy Act		12,089	41	11
		5 *p. c.*	...	...
III.—Other suits.	For immoveable property	23,109	23,592	24,336
	For a declaration of right	2,364	2,520	2,432
	For specific performance	218	186	271
	Relating to betrothals, marriage, divorce and dower	5,541	5,286	5,446
	For or relating to partition	178	257	141
	Not included in the above	6,064	887	812
	Total	37,474	32,728	33,438
		14 *p. c*	13 *p. c*	14 *p. c.*
	Grand Total	262,860	247,047	242,323

From this statement it will be seen that the decrease in institutions noticed above has occurred under the first three minor heads, of suits to recover money on bond or "otherwise" (*i. e*, on account), the other details differing but little in the two last years. The figures of the three years under main head II (Rent suits &c.) are explained by the transfer of jurisdiction referred to in paragraph 2.

Value of suits instituted

4. Of the suits instituted 98 per cent. had a determinate money value. The details of this are given in statement No. 3 annexed to this report; and the following abstract shows the total and average value under each of the four heads of classification :—

Class of suit.	Number of suits.	Value.	Average value.		
		Rs	Rs.	A.	P$_s$
(1) For money or moveable property	208,874	1,22,56,508	58	10	9
(2). For land assessed or subject to assessment	16,532	19,31,857	116	9	9
(3). For other immoveable property	8,047	11,16,834	138	8	7
(4). Other suits	4,007	5,69,543	142	2	1

The averages of value do not differ materially from those of the preceding year. That for suits of class (1), which made up 86 per cent. of the total

number of institutions, was Rs. 58-10-9, as compared with Rs. 59-10-11 in 1885. The value shown for class (2) is only nominal, being that assigned for the purpose of calculating the institution fee.

B.—Disposal of original civil suits by Courts subordinate to the Chief Court.

Details of disposals and pending files

5. Divisional Courts disposed of 8 original civil suits in the year out of 10 for disposal.

The following abstract shows the number of suits for disposal and disposed of, by the District Courts of the Province :—

Year	Number of original Civil suits		
	For disposal, (pending instituted, and re-admitted).	Disposed of	Pending
1885 ...	276,112	259,849	16,263
1886 ...	269,147	250,012	19,135
Difference ..	— 6,965	— 9,837	+ 2,872

Methods of disposals

6. The manner in which the original civil suits disposed of were decided in each of the past three years is shown in the annexed abstract :—

Percentage decided	1884	1885.	1886
Without trial	18·5	19 4	19 4
,, contest .	48 5	49 7	50·4
On reference to arbitration ...	1 1	0 9	0 8
After contest ... For plaintiff	22 9	21·6	21 1
After contest ... For defendant	9 0	8 4	8 3

Fuller details of the methods of disposal for the past two years are given below :—

1	2	3	4	5	6	7	8	9	10
Year	Percentage of Cases								
	Dismissed on default	Withdrawn with leave, Sec 373, Civil Pro Code.	Compromised	Decreed on confession.	Decreed or dismissed *ex-parte*	Referred to arbitration	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested
1885	18	0·5	21	17	11	0 9	22	8	72
1886 ...	18	0 5	20	18	12	0 8	21	8	70

7. The annexed statement shows the number of dismissals in default and *exparte* decisions with the number and result of the applications for restoration to the file or to set aside the *exparte* proceedings :—

Dismissals in default and decrees *exparte*.

Year	Dismissals in Default.				Ex-parte Decisions.					
	Number of cases dismissed in default under Sections 97 & 98, Civil Procedure Code	Number of applications for restoration to the file of cases dismissed under Sections 97 & 98 Civil Procedure Code		Number of fresh suits brought on claim dismissed in default under Sections 97 & 98, Civil Procedure Code	Number of cases in which judgment passed *exparte* against a defendant under Section 101, C. P. Code.	Applications to set aside ex-parte decrees		Number of cases in which suit was dismissed under Section 102, C. P. Code.	Applications under Section 103	
		Admitted.	Refused.			Admitted	Refused		Admitted.	Refused.
1886 ...	45,083	6,323	2,622	347	27,226	2,079	1,519	3,294	1,095	393
1885	46,772	5,980	2,407	291	26,926	1,919	1,281	3,134	772	270

The figures of the two years do not differ much. In 81 per cent. of the cases dismissed for default no further action was taken : and it is probable that in most of these the institution of the suit and the issue of notice were sufficient to bring about a settlement of the claim. Of the applications for restoration to the file two-thirds were successful. In only 13 per cent. of the cases in which decrees were passed *exparte* was application made to set the decrees aside ; and of such applications four-sevenths were successful.

8. The proportion of contested suits to the total number decided was 29 as against 30 in 1885. Of the contested suits 70 per cent. were decided in favour of the plaintiff.

Contested suits

9. The proportion of cases referred to arbitration was in each of the last two years less than one per cent. of the total number of suits decided, or less than 3 per cent. of the number of contested cases. The following are the details regarding the issue of commissions in each of the last two years :—

Arbitration and Commissions.

Year	For local investigation				For examination of accounts.			
	To a revenue official	To any other person.	Total	Average cost.	To a revenue official.	To any other person.	Total	Average cost.
				Rs A P.				Rs. A. P
1885 ..	478	2,051	2,529	4 2 4	142	1,876	2,018	3 8 1
1886 ...	317	2,095	2,412	4 13 0	53	1,436	1,489	4 11 7

These details are much the same for both years.

10. Property was attached before judgment in 561 cases, as against 680 in 1885, and 750 in 1884. Of the total for 1886 the following districts contributed the highest figures :—

Attachment before judgment.

Ferozepore	... ...	... 99
Rawalpindi	... ...	... 44
Amritsar } Peshawar }	(each) ...	... 41

The number in Ferozepore seems excessive, and inquiries are being made with regard to all four districts. In only 4 cases was compensation awarded under Section 491, Civil Procedure Code.

Decrees bearing interest.

11. In para. 2 of the review of last year's report it was remarked that the increase in the number of decrees bearing interest was not satisfactory. It had been explained in the report that there was still some misunderstanding as to the power of a Civil Court in respect of an agreement by a defendant to pay interest on an admitted claim, and that measures had been taken to remove this. The figures for the last four years are as follows :—

Number of cases in which interest was allowed on amount decreed.	1883.	1884.	1885.	1886.
By consent ...	2,718	1,636	1,924	952
Without consent ...	370	347	304	168
Total ...	3,088	1,983	2,228	1,120

Although the total number of such decrees is now comparatively small, there is still some want of uniformity of practice in this matter throughout the Province, and the following three districts of the Delhi Division in particular show high figures :—

Hissar	...	...	...	... 250
Rohtak	...	...	...	... 166
Gurgaon	...	...	...	... 104

In all but three of these cases interest was decreed by consent of defendant. These districts show a smaller amount of Civil litigation than most in the Province, and the number of decrees bearing interest is out of all proportion to the number of cases decided on confession or by compromise. Thus, though Hoshiarpur shows 6,477 suits so decided, in only 11 of these was interest allowed, the figures for Hissar being 1,803 and 250, respectively. In Delhi the number of decrees in which interest was allowed by consent has fallen from 304 in 1885 to 8 in 1886. It would appear that the high figures shown by the three districts first mentioned are due to the action of individual Courts, and that this action still requires to be watched. The highest rate of interest allowed in any district was 18 per cent., and the average was just over 6 per cent. per annum.

Pending files

12. The pending file has increased from 16,263 at the close of 1885 to 19,135 at the close of 1886, notwithstanding the falling off in institutions; but it is less than at the close of 1884. The following districts show the highest figures :—

Sialkot	...	...	...	... 1,513
Amritsar	...	...	...	... 1,380
Gurdaspur	...	...	...	... 1,215

Of the total number pending 993 were under Section 99A, Civil Procedure Code, as against 713 for 1885.

1884	720
1885	1,008
1886	1,173

The number of suits pending over three months otherwise than under Section 99A., Civil Procedure Code, was at the close of each of the last three years as shown in the margin.

Amritsar	140
Lahore	124
Gurdaspur ..	116

The highest figures for 1886 were those of the Districts noted in the margin.

Average duration.

13. The averages of duration were 34 days in contested, and 22 days in uncontested cases, as compared with 33 and 22 days, respectively, in 1885. The Districts that showed the highest averages were—

Contested cases.		Uncontested cases.	
Hissar	63 days.	Simla	37 days.
Jhang	52 „	Karnal	35 „
Montgomery . .	48 „	Bannu	32 „
Ludhiana	45 „	Multan	31 „

The averages in the various Courts, arranged according to the rank of the presiding officer, were as follows :—

	Contested.		*Uncontested.*	
	1885.	1886.	1885.	1886.
District Judges' Courts	81	72 .	47	52
Courts of Subordinate Judges with appellate powers	56	60 ..	43	40
Assistant and Extra Assistant Commissioners' Courts	49	54 ...	29	35
District Small Cause Courts	18	17 ...	16	15
Cantonment Small Cause Courts .	18	12 ...	15	15
Munsifs' Courts	30	31 .	21	21
Tahsildars' Courts	27	29 ..	19	19
Naib Tahsildars' Courts	22	22 ...	28	19
Honorary Civil Judges' Courts ..	31	36 ...	22	22

C.—Agency employed in Districts for the disposal of Civil Suits.

Distribution of original civil work between the various grades of Courts.

74. The annexed statement shows the manner in which the original civil work disposed of was distributed between the various grades of Courts :—

Number of officers employed on civil work.			Grade of Officers	Original suits decided. Number.			Percentage			Average number of cases decided by officers of each grade.		
1884	1885	1886		1884	1885	1886	1884	1885	1886	1884	1885	1886
			District Judges and Subordinate Judges with appellate powers	3,239	5,928	5,124	1·2	2·2	2 0	..	..	...
			Assistant Commissioners ...	5,699	3,122	2,920	2·2	1·2	1 2	...	..	..
			Extra Assistant Commissioners	27,924	21,257	20,546	10 3	8·1	8 2	...	..	
125	123	118	Tahsildars ...	28,746	17,401	14,965	10·6	6·7	6 0	232	141	127
15	7	6	Naib-Tahsildars	2,356	2,066	1,734	0·9	0 8	0·7	157	295	289
84	84	*84	Munsifs ...	1,71,651	177,726	170,299	63·2	68·3	68·1	2,043	2,116	2,052
47	52	55	Honorary Civil Judges ...	9,701	10,231	10,271	3·5	3·9	4·1	206	197	187
4	4	4	Judges of District Small Cause Courts ...	14,097	† 14,205	‡ 15,947	5·2	5·8	6·4	3,524	3,546	3,681
9	9	9	Judges of Cantonment Small Cause Courts	7,962	7,913	8,206	2·9	3·0	3·3	885	879	912
			Total .	271,375	259,849	250,012	.	...	...	..	...	...

* One Munsif is Registrar of the Lahore Small Cause Court.
† Includes 22 cases disposed of by other officers exercising Small Cause Court powers.
‡ „ 1,223 „ „ „ „ „ „ „

Munsifs disposed of 68 per cent. of the whole number of civil cases, the same proportion as in 1885; and Judges of District and Cantonment Small Cause Courts, of 9·7, making a total of 77 per cent. Honorary Civil Judges decided 4 per cent of the whole number.

Honorary Civil Judges.

15. The annexed table shows the number of suits decided by the Honorary Civil Judges who disposed of the greatest number of cases :—

District.	Name of Judge	Pecuniary limit of powers.	Cases disposed of.
		Rs.	
Sialkot ...	Bhawal Bakhsh	100	1,129
Gujranwala ..	Raja Harbans Singh	100	718
Sialkot .	Sardar Dyal Singh	500	635
Ferozepore ..	Sodhi Indar Singh	500	542
Do. ...	Sodhi Rajindar Singh	100	473
Kohat ..	Nawab Sir Khwaja Muhammad Khan, K.C.S.I. .	500	397
Sialkot ..	Sardar Richpal Singh	100	292
Kohat ...	Khan Bahadar Muhammad Zaffar Khan ...	500	290
Umballa .	Sardar Jiwan Singh (Shahzadpur) ...	500	282
Karnal ...	Riaz Husen	50	246
Delhi ..	Muhammad Ikram-ulla-Khan	500	238
Hoshiarpur ..	Sardar Rajindar Singh	50	237
Karnal ...	Dewa Singh	50	236
Gurgaon .	Muhammad Sirajuddin Haidar Khan ...	500	227
Dera Ghazi Khan ...	Fazl Ali Khan	500	213

Several other Honorary Civil Judges, who are invested with a first class Munsif's or higher powers, rendered considerable assistance to the judicial staff of their Districts by deciding a smaller number of more important cases.

D.—Miscellaneous Cases.

Miscellaneous cases under the Code of Civil Procedure in District Courts

16. The following is a statement of the miscellaneous cases (other than applications for execution of decree) instituted in District Courts under the Code of Civil Procedure in each of the past two years :—

Nature of case	1885.	1886.
Plaints or memoranda of appeal rejected or returned without registration	5,966	6,126
Applications for restoration to the file of a suit or appeal dismissed in default, or decreed *ex-parte* (Sections 99, 103, &c.)	13,659	13,469
Objections with regard to attached property (Sections 278 and 487) ...	13,823	12,388
Applications for permission to sue as a pauper (Section 401) ...	1,102	1,082
Applications for review of judgment (Section 623)	1,810	1,680
Other cases	1,159	1,065
Total ...	37,519	35,810

These details do not show any marked variations.

17. The institutions of miscellaneous cases not connected with the Code of Civil Procedure amounted to 2,820, as compared with 2,673 in 1885. Of this number, cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806 made up :—

Other miscellaneous cases in District Courts.

1885	1,510
1886	1,588

As in the preceding year, applications under the Regulations were most numerous in the District of :...

Umballa	337
Hissar	205
Rohtak	199

The other cases were mainly :—

	1885.	1886.
Applications under Act XL of 1858 and IX of 1861 (guardianship and administration of the property of minors)	374	453
Applications under Act XXVII of 1860 for certificates to collect debts &c.	543	572

Miscellaneous cases in Divisional Courts.

18. The following statement shows the number of miscellaneous cases disposed of in Divisional Courts during the past two years :—

Nature of Case.	1885	1886.
(1).—Memoranda of appeal rejected or returned	504	581
(2).—Applications under Section 558 and 560 for the restoration to the file of an appeal dismissed in default or decided *ex-parte* ...	71	98
(3).—Applications for permission to appeal as a pauper	68	67
(4).—Applications for review of judgment	107	199
(5).—Applications for certificates to appeal under Section 40 (*d*) Punjab Courts Act	390	1,162
(6.)—Cases under the Land Acquisition Act, 1870	23	32
Total ...	1,163	2,139

The great increase under head 5 is due to the far greater number of civil appeals which were (owing to reasons which will be explained later on in this report) disposed of in 1886 than is 1885. The other figures do not call for remark.

E.—Execution of Decrees.

Results of execution proceedings.

19. The annexed statement gives the details of the execution of decree work in District Courts :—

Year.	Total number of applications for execution before the Courts.	Transferred.	Completely executed.	Partially executed.	Wholly infructuous.	Total number disposed of.	Percentage of cases completely executed to the number disposed of.	Average duration.	Value of money decrees in execution.	Amount realized. Voluntarily	After issue but without execution of process.	After execution of coercive process.	Percentage realised.
									Rs.	Rs.	Rs.	Rs.	
1885 ..	206,566	1,161	56,520	45,173	85,530	188,384	30	40	1,42,62,002	4,61,040	6,50,852	26,58,644	30
1886	200,826	1,304	51,281	41,102	83,514	177,201	29	39	1,33,50,855	4,47,918	7,17,226	26,40,117	29

There is a decrease in the number of cases for disposal by the Courts which is more than commensurate with the decrease in the institution of original Civil suits; but the numbers for 1883 and 1884 were 197,505 and 202,832, respectively, so that the figures of 1885 appear to have been abnormally high.

Proportion of decrees wholly and partially executed, and of proceedings which were wholly infructuous.

20. The following is an abstract of the results of execution proceedings according to the number of cases diposed of—

	Percentage of decrees.		
	1884	1885	1886
Completely executed	31·4	30·0	28·9
Partially executed	25 0	24·0	23·2
Wholly infructuous	42·9	45·4	47·1
Transferred	0 7	0·6	0 8

In the review of the report for 1885 the steady increase in the percentage of wholly infructuous proceedings was commented on; and it was asked that the subject might be more fully dealt with in the report of the next year. The above abstract shows the percentage of infructuous proceedings in 1886 to be 47 per cent. as against 45 and 43 in the two preceding years. Several Divisional and District Judges have noticed the subject, and some remarks will be found in the extracts appended to this report. It is to be observed in the first place that the number of applications on which processes were issued but not executed have steadily increased, the figures for the last four years being as follows:—

1883	1884	1885	1886
38,109	45,246	48,809	49,130

These figures would seem to afford sufficient explanation of the fact of the increase in the percentage of infructuous proceedings, though they really do no more than throw the inquiry one stage further back. As remarked in the Muzaffargarh report, "an unknown number of decrees are satisfied out of Court, but from not being certified to by the decree-holder, appear as infructuous in the returns. * * * * * * A reasonable conclusion seems to be that on issue of process the debtor pays in whole or part, or satisfies his creditors without further coercion." The District Judge, Hissar, remarks that "very often the Courts are made a means of keeping alive decrees, the decree-holder having no real intention of executing the decree."

These facts, that in an increasing proportion of cases application is made without any real intention of execution, or the decree-holder is satisfied after issue of process, but without further intervention of the Court, would account for a high percentage of infructuous proceedings; but no good reason can be assigned for the increased percentage within the last three or four years of cases in which, when the judgment-creditor had once taken out proceedings, the settlement of the decree is effected without the further intervention of the Court.

It is scarcely satisfactory that the provisions of Section 258, Civil Procedure Code, as to the certifying of payments made out of Court, should, as it would appear that they are, be generally neglected. The District Judge, Multan, thinks that the period allowed by law for having such payments certified, is too short.

Modes of coercion employed.

21. The following statement shows the processes resorted to for the execution of decrees in each of the last two years:—

No. of applications.

	1885.	1886
On which process was issued, but not executed ..	48,809	49,130
On which moveable property was attached, but subsequently released	42,229	41,610
On which moveable property was sold	10,956	9,659
On which immoveable property was attached, but subsequently released	6,124	5,070
On which hereditary or joint acquired property in land was sold	41	40
On which immoveable property was sold	2,130	1,858
On which action was taken under Section 305 or Section 306, Civil Procedure Code	575	445
On which possession was given of moveable property .	596	241
Do. do. do immoveable property	5,412	6,088
On which specific performance was enforced	226	246
On which partition was effected	57	45
On which execution was effected otherwise than as above	101	55
On which judgment-debtors were arrested, but released without imprisonment	9,345	9,120
On which judgment-debtors were imprisoned ...	1,081	1,033

The increase in the number of applications on which process was issued but not executed has already been noticed. The other details of the statement do not seem to call for remark, except the last two entries (see para. 23).

Realizations of money decrees.

22. The value of money decrees in execution was less than in the preceding year (Rs. 1,33,50,855 as compared with Rs. 1,42,62,002). The percentage of realizations through the Courts increased from 26 to 28 per cent. Realizations were affected as follows :—

		Sum realized.		*Percentage.*	
		1885.	1886.	1885.	1886.
		Rs	Rs		
Paid in voluntarily		4,61,040	4,47,918	.. 12	12
Realized	After issue, but without execution of process	6,50,852	7,17,226	. 17	19
	By attachment only	17,97,002	17,54,470	48	46
	By sale	5,41,914	5,82,331	. 15	15
	By arrest only	2,78,889	2,61,401	... 7	7
	After imprisonment	40,839	41,915	1	1

Arrest and imprisonment.

23. The following statement gives details of the number of judgment-debtors arrested and imprisoned, and of the terms of imprisonment :—

Year	*Number of judgment-debtors arrested.*		*Number of persons detained.*			*Average duration of detention*
	Released without imprisonment.	Imprisoned.	Up to one month.	Between one and three months.	Between three and six months.	
1885	9,345	1,081	621	319	141	39
1886	9,120	1,033	611	301	151	39

Distribution of work amongst the various grades of Courts.

24. The following statement shows the distribution of execution work amongst the various grades of Courts, and the results obtained in each :—

Class of Court.	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part.		Value of money decrees in execution.		Percentage realized.		Average duration	
	1885.	1886.	1885	1886	1885.	1886	1885.	1886.	1885.	1886.
					Rs.	Rs.				
Sadar Courts ...	20,018	24,781	53	50	73,62,191	55,96,577	18	26	48	49
Small Cause Courts	14,827	15,846	58	62	5,45,558	6,09,924	35	37	13	15
Tahsil Courts .	16,163	11,584	62	63	5,92,508	4,25,184	38	37	35	34
Munsifs' Courts	1,24,535	1,20,333	52	50	54,93,536	64,67,305	35	30	41	34
Honorary Courts .	4,841	4,747	63	61	2,68,209	2,51,865	32	31	41	40

There has been an increase in the number of applications disposed of by Courts at head-quarters of Districts, and a decrease in Munsifs' Courts ; but the total value of the decrees in execution was less in the former and greater in the latter than in the preceding year. Half of the total number of proceedings were wholly infructuous in these Courts, while the percentage realized rose in the Sadar Courts and fell off in Munsifs' Courts.

Insolvency proceedings under the Civil Procedure Code

25. The following table shows the number of applications for declaration of insolvency under Chapter XX, Civil Procedure Code, filed, disposed of, and pending in each of the past two years :—

Year.	Filed				Disposed of.	Pending.
	By judgment debtors.		By decree-holders	Total.		
	Under arrest or imprisonment.	Against whose property an order of attachment had been made.				
1885 .	64	409	30	503	507	101
1886 ...	101	396	2	499	473	128

Of the applications instituted in 1886, 328 were instituted in District Courts, and 169 in the specially empowered Small Cause Courts of Delhi, Amritsar and Lahore, as against 286 and 187, respectively, in the preceding year. Applications by decree-holders fell off from 30 in 1885 to 2 in the year under report.

The results of the applications disposed of in each year is given below :—

		1885.	1886.
Transferred	...	1	1
Withdrawn or otherwise not prosecuted ...	...	218	191
Granted ... a receiver not being appointed	...	47	64
Granted ... a receiver being appointed ...	...	84	94
Rejected ... penal proceedings not being taken	...	134	122
Rejected ... penal proceedings being taken	...	23	...

The percentage of successful applications was 33 as against 26 in the previous year. They were most freely rejected in the Peshawar, Lahore, Gujrat and Mooltan Districts.

In the 158 cases in which the application was successful, declarations of insolvency were made in favor of 162 persons. Of these 64 were discharged under Section 351 of the Code without a receiver being appointed, and 92 were discharged under Section 355, on the receivers certifying that they had been put in possession of the property.

Estates in the hands of receivers

26. The total number of estates in the hands of receivers during the year was 156 as against 133 in the preceding year. In 102 cases the administration of the property was completed and proceedings finally closed, and 54 estates were still under management at the end of the year.

The scheduled debts aggregated Rs. 6,75,871, and of this sum 16 per cent. was satisfied or written off during the year. Including the balance of previous year, there were Rs. 1,19,066 in the hands of receivers, of which Rs. 1,02,483 or 85 per cent. was disbursed, leaving Rs. 16,583 in hand at the end of the year.

F. – Witnesses.

Attendance of witnesses

27. The following table gives the usual details of the attendance of witnesses in original Civil suits during each of the past two years :—

	Number.		Difference.	Percentage.	
	1885.	1886.		1885.	1886.
Witnesses who appeared voluntarily ...	134,430	131,367	—3,063	34	35
Witnesses for whose appearance a summons was issued	260,741	246,452	—14,289	66	65
Total ...	395,171	377,819	—17,352	..	...

The decrease in the total number of witnesses is the result of the falling off in civil litigation.

Expenses paid to witnesses

28. Of the witnesses who were summoned to attend, 191,230 or 77 per cent. received an average of 9 annas and 11 pies as expenses. In the previous year the same proportion of witnesses received expenses, the average amount per witness also being the same. Turning to particular districts, the average amount paid to each witness in Montgomery was Rs. 1-7-11 and in Hissar Rs. 1-4-3. In each case the average is considerably higher than that of the previous year. The average was lowest in Hazara (6 annas and 9 pies), Sialkot (7 annas and 1 pie), Delhi (7 annas and 8 pies), and Amritsar (7 annas and 9 pies.)

Average cost of processes.

29. The average cost of each process issued during the year is returned as 4 annas and 9 pies, as against 4 annas and 7 pies in the preceding year.

PART II.—SMALL CAUSE COURTS.

Original civil business of District and Cantonment Small Cause Courts.

30. The annexed statement shows the original civil work for disposal and disposed of by the District and Cantonment Small Cause Courts in each of the past two years :

Year.		2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Number of civil suits on the file.												Average duration.	
		Pending from last year.	Instituted.	Re-admitted under Sections 99 and 103, Act XIV of 1882, or Section 21, Act XI. of 1886.	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest.	Total disposed of.	Pending at the end of the year	Pending for more than three months at the close of the year.	Percentage of contested cases.	Contested.	Uncontested.
District Small Cause Courts.	1885	977	13,883	314		15,174	1,032	7,815	4,458	14,205	969	111	31	18	16
	1886	969	15,080	417		17,006	2,258	8,835	4,854	15,947	11,119	124	30	17	15
Cantonment Small Cause Courts.	1885	197	7,763	192		8,152	1215	5,058	1,640	7,913	239	1	21	17	15
	1886	239	8,304	180		8,573	1,222	4,000	1,994	8,206	367	9	24	17	15

District Small Cause Courts

31. Besides the four Courts regularly established under the Act at Delhi, Amritsar, Lahore and Simla, Small Cause Court powers were exercised by the Officers in charge of the Murree and Kulu Sub-Divisions and in the Ferozepore District. The institutions in the Court of the Officers so invested amounted to 1,211 as compared with 42 suits instituted in the Court of the Assistant Commissioner Kulu, who was the only Officer exercising such powers in 1885. The institutions in the Amritsar Court also increased from 4,056 to 4,714. These figures account for the large increase in institutions shown by the statement given in the preceding paragraph. The pending file was much the same as at the close of the preceding year; and there has been a decrease in the average duration of the cases decided.

Cantonment Small Cause Courts

32. There has been an increase in the institutions in Cantonment Small Cause Courts. The highest figures are those of the Courts at Ferozepore and Rawalpindi :—

Court	Number of Civil institutions.	
	1885	1886.
Ferozepore ..	1,561	1,930
Rawalpindi ...	1,615	1,831

The increased number of institutions in the Ferozepore Court is probably due to the additions made to the strength of that Cantonment.

Execution of decrees and witnesses.

33. The details given under heads E and F of Part I as to execution of decrees and witnesses, include those of Small Cause Courts.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Institutions of appeals from decrees in District and Divisional Courts

34. The following abstract shows the number of appeals from decrees instituted during each of the last four years in District and in Divisional Courts :—

1 Year.	2 Number of appeals instituted. In District Courts.	3 Number of appeals instituted. In Divisional Courts.	4 Number of appeals instituted. Total.	5 Total number of contested cases decided.	6 Total number of first appeals.	7 Percentage of first appeals to appellate orders.
1883	14,778	5,192	19,970	79,896	18,627	23
1884	13,675	7,861	21,536	81,135	19,892	25
1885	8,486	9,386	17,872	71,928	17,872	25
1886	8,162	9,015	17,177	66,797	17,177	26

The effects of the introduction of the Punjab Courts Act, 1884, on the institutions in District and Divisional Courts were explained in the report of last year. With reference to column 6 of the above statement, it may be mentioned that under the previous Act a further appeal to the Divisional Court was allowed in certain cases.

There has been a falling off in the number of appeals instituted in District and in Divisional Courts; but this is the result of the decrease in civil litigation, and the proportion of the number of appeals instituted to the total number of contested cases which were decided is practically the same.

A.—Appellate work of District Courts.

Agency for disposal of appellate work in Districts.

35. The District agency for the disposal of civil appellate work consisted, as in the preceding year, of the Deputy Commissioners of two or three of the lighter Districts, and elsewhere of a separate officer in each District who has been appointed District Judge under Section 20 of the Act, or only invested with the appellate powers of a District Judge under Section 42, according to the fitness of the officer concerned. In one or two instances an officer in charge of a Sub-division has also been invested with appellate powers; but the total number of cases disposed of by such officers was only 133.

Work disposed of and pending. Average duration.

36. The following abstract shows for each of the last three years the number of appeals for disposal, disposed of, and pending at the end of the year :—

Year.	Number of appeals. For disposal.	Number of appeals. Disposed of.	Number of appeals. Pending.	Average duration of appeals.
1884	16,153	15,572	581	38
1885	9,231	8,602	629	30
1886	9,026	8,392	634	30

Of the appeals pending at the close of the year 1886 only 18 had been pending over three months. The average duration was 30 days as in the preceding year, and was not excessively high in any District. These results are satisfactory.

Manner of disposal of appeals.

37. The manner in which the appeals were disposed of by District Courts in each of the past two years is given below :—

	Percentage.	
	1885.	1886.
Transferred	...	0·4
Summarily rejected under Section 551, Civil Procedure Code	20·6	21·2
Struck off for default or under Section 557, Civil Procedure Code, or otherwise not prosecuted	4·2	4·6
Order of Lower Court confirmed *ex-parte*	3·3	1·6
„ „ after contest	35·2	33·3
„ „ modified	9·8	10·2
„ „ reversed	16·6	18·2
Remanded under Section 562, Civil Procedure Code	10·3	10·5

Value and cost of appeals.

38. The value and cost of appeals decided in District Courts, and the percentage of cost to value, is given below in the usual form :—

Scale of Valuation.		Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.						Average cost of appeals.						Percentage of cost to value.	
		In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.			In other suits.			In suits for money or moveable property.			In other suit.			In suits for money or moveable property.	In other suits.
				Rs.	Rs.	Rs.	Rs.	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	A	P		
Not exceeding Rs.	10	1,224	25	8,156	116	2,090	61	6	10	7	4	10	9	2	3	1	2	9	0	33	54
„ „ „	50	3,751	46	1,07,392	1,457	15,022	200	28	10	1	31	10	9	4	0	0	5	13	6	14	18
„ „ „	100	1,605	21	1,16,204	1,575	13,909	231	72	6	5	75	0	0	8	10	7	11	0	0	12	14
„ „ „	500	1,467	34	2,07,635	4,059	29,583	670	183	10	7	194	2	0	20	2	7	27	14	7	11	14
Appeals of which the value cannot be fixed ...		...	30				145	...	...	..	..	...		.	...	...	4	0	6	...	
Total	1886	8,047	152	4,99,387	7,807	61,204	1,378	62	1	0	67	4	10	7	9	8	9	1	0	12	18
	1885	8,224	187	5,29,051	5,931	65,472	1,207	64	3	5	54	14	7	7	15	5	7	8	0	12	13

This statement does not call for remark.

Miscellaneous appeals.

39. In addition to appeals from decrees, 645 miscellaneous appeals came before District Courts during the year under report, as against 689 in the previous year. The nature of the appeals in each year is indicated below :—

	1885.	1886.
Appeals from orders under Section 588, Civil Procedure Code	465	491
Other miscellaneous appeals	224	154
Total ...	689	645

The number of miscellaneous appeals pending at the close of the year was 49, and the average duration 26 days. The details of the method in which those appeals were disposed of are as follows :—

	Percentage. 1885.	1886.
Summarily rejected	15·3	20·0
Struck off for default or otherwise not prosecuted	6·4	6·4
Order of Lower Court confirmed	30·0	30·3
„ „ modified	3·3	0·8
„ „ reversed	21·0	19·8
Cases remanded under Section 562, Civil Procedure Code	24·0	22 7

B.—Appellate work of Divisional Courts.

Institutions of appeals from decrees in Divisional Courts.

40. The number of appeals from decrees instituted in Divisional Courts in each of the last four years was—

1883	5,192
1884	7,861
1885	9,386
1886	9,015

It is unnecessary to repeat the explanations given in the report of last year of the effect on these institutions of the Punjab Courts Act, which was in force for the whole of 1885 and 1886. The decrease in the latter year is due, as has already been pointed out, to the falling off in civil litigation; and variations in future may be expected to occur only within the limits indicated by the figures of these two years.

Agency for the disposal of appeals in Divisional Courts

41. In paragraph 46 of last year's report an account was given of the changes effected in the constitution of Divisional Courts when the Bench system was introduced at the close of 1884; and when it was abandoned at the close of 1885. During the year 1886 there have been 13 permanent Civil Divisions, each with one Judge, and for 4½ months in the earlier part of the year six additional temporary Judges were at work clearing off the arrears which had accumulated while the Benches were in existence.

Disposal of appellate work—appeals from decrees—in Divisional Courts.

42. The following abstract shows the number of appeals from decrees pending from the preceding year, with the institutions and the disposals during 1885 and 1886.

Year.	Pending from previous year.	Instituted, re-admitted, &c., during the year.	Total for disposal.	Disposed of.	Pending at the close of the year.
1885	4,586	9,788	14,374	7,574	6,800
1886	6,800	9,373	16,173	12,782	3,391

As explained in the preceding paragraph, there were 19 Divisional Judges at work during the first 4½ months of 1886, six temporary appointments having been made for the purpose of disposing of the accumulation of arrears, and the Districts being arranged in 19 temporary Civil Divisions. When the period of six months for which the temporary appointments had been sanctioned, came to an end, 13 permanent Civil Divisions were formed. The following statement shows for each of these Divisions the number of appeals pending at the close of 1885, instituted and disposed of during 1886 and pending at the close of the year :—

Division.	Pending from 1885.	Instituted, re-admitted and received by transfer during 1886.	Disposed of in 1886.	Pending at close of 1886.
Delhi	620	686	928	378
Amballa	461	530	762	229
Jullundur	649	1,023	1,326	346
Hoshiarpur	550	1,084	1,230	404
Ferozepore	532	658	1,117	73
Amritsar	828	1,068	1,418	478
Sialkot	732	818	1,372	178
Lahore	428	441	770	99
Mooltan	290	417	667	40
Rawalpindi	681	605	1,123	163
Jhelum	794	1,011	1,045	760
Derajat	172	492	510	154
Peshawar	63	540	514	89
Total .	6,800	9,373	12,782	3,391

In order to suit the convenience of the people of the Kulu Sub-division of the Kangra District, it has been formed into a separate Civil Division, and the District Judge of Kangra has been appointed Divisional Judge. This arrangement was made because, owing to the inaccessible nature of the country and the habits of the people, it would have amounted to a denial of the right of appeal if the Divisional Court had remained at Hoshiarpur. But as the total number of appeals for disposal during the year was 23, the figures of this Division have been incorporated with those of Hoshiarpur.

In considering the figures given in the above statement for the various Divisions, it should be borne in mind that the Divisional Judges are also Sessions Judges; and this fact will account for the somewhat unequal results which the statement shows. The criminal work (Sessions cases and appeals) of the Mooltan, Peshawar and Derajat Divisions is very heavy, and in Delhi it is also considerable; while in the Jhelum Division it is very nearly sufficient by itself to occupy the time of a single Judge. The necessity for the appointment of a 14th permanent Divisional Judge was referred to in the report of last year; and the final recommendations of the Judges for such an appointment and for a re-arrangement of the limits of the Divisions in one or two instances, are now before Government. It may be hoped that the proposals which have now been submitted, after the experience of two full years working of the Courts Act, will, if accepted, remove, so far as it is possible to do so, the inequalities which now exist in the distribution of civil appellate business between the Divisions.

Pending files and average duration.

44. The heavy pending files in some of the Divisional Courts are due to causes which are detailed in the preceding paragraph. The average duration is everywhere high, because the greater part of the appellate work disposed of consisted of arrears of cases which had been long pending.

Details of the methods of disposal.

45. The following is an abstract of the manner of disposal of the appeals decided by Divisional Courts in each of the last two years:—

	Percentage of Appeals	
	1885.	1886.
Transferred, struck off for default, or otherwise not prosecuted	6	6
Order of the Lower Court upheld	66	56
„ „ modified	3	5
„ „ reversed	17	23
Cases remanded under Section 562, Civil Procedure Code	8	10

Value and cost of appeals.

46. The annexed statement shows the value and cost of appeals decided by Divisional Courts :—

SCALE OF VALUATION.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
Not exceeding Rs. 10	156	1 638	910	10,480	544	6,172	5 13 4	6 6 4	3 8 10	3 12 5	60	59
" " 50	314	3,173	11,721	96,355	1,993	20,726	37 5 3	30 6 0	6 5 6	6 8 7	17	21
" " 100	225	1,556	16,818	1,17,333	2,489	19,286	74 12 0	75 5 6	11 1 2	12 7 1	14	16
" " 500	457	1,577	1,16,082	3,71,364	14,075	45,899	255 5 3	235 7 9	30 12 9	29 1 8	12	12
" " 1,000	280	187	2,04,851	1,24,203	24,224	15,186	731 9 10	659 5 3	82 14 8	81 3 3	11	12
" " 5,000	159	76	3,13,545	1,09,892	32,853	15,828	1,972 3 3	2,235 2 7	206 10 0	196 6 10	10	9
Appeals of which the value cannot be fixed		2,591				48,019				18 9 5		
Total 1886	1,591	10,798	6,64,527	8,88,707	75,178	170116	417 8 8	178 4 7	47 4 3	15 12 0	11	14
Total 1885	1,509	5,790	3,18,002	3,00,630	36,424	77,525	211 2 1	96 13 0	24 2 1	12 12 6	11	13

Miscellaneous appeals in Divisional Courts

47. There were 737 miscellaneous appeals for disposal by Divisional Courts during the year, of which 692 were appeals from orders under Section 588, Civil Procedure Code, the figures for 1885 being 551 and 476, respectively. The Courts disposed of 607 and there were 130 pending at the close of the year, of which 48 had been pending for more than three months. The average duration of the appeals disposed of was 76 days.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Institution of Civil business in the Chief Court.

48. The following statement shows the institutions of Civil business of all sorts in the Chief Court in each of the past four years :—

YEAR	Original civil suits	Appeals from decrees.	Appeals from orders	Applications for revision.	Miscellaneous cases.
1883	1	2,630	183	707	538
1884	3	2,612	230	792	650
1885 ...	4	906	137	1,139	495
1886 . . .	3	2,671	303	1,391	586
Difference in last two years	−1	+1,765	+166	+252	+91

Institution of appeals from decrees.

49. As explained in the report of last year, the small number of appeals instituted was in part due to the fact that the Divisional Courts were working on the Bench system during the greater part of the year 1885. This affected the institutions in the Chief Court in two ways; *first*, because the decisions of the Benches in appeals, where the value of the suit did not exceed Rs. 500, were final (except in the limited number of cases provided for by clauses (*c*) and (*d*) of Section 40 of the Courts Act); and *secondly*, because the Divisional Courts did not keep pace with their institutions. The breaking up

of the Benches and the measures already referred to, which were taken for disposing of the accumulation of arrears in the Divisional Courts, account for the large increase in the number of institutions in the Chief Court during 1886, by increasing the number of appealable decisions. As to the second of the causes mentioned above, it may be noted that the Divisional Courts disposed of 12,782 appeals from decrees in 1886, as compared with 7,574 in 1885. The appeals instituted in the Chief Court in each of the last two years were classified as follows :—

	1885.	1886.
First appeals (where value of suit exceeds Rs. 5,000) ...	107	128
Further appeals—		
As of right ...	799	2,424
On certificate ...		119

With 7,574 appeals decided in 1885 by the Divisional Courts there were 799 further appeals to the Chief Court; and with 12,782 decided in 1886 there were 2,424 such appeals, the percentages being 10 and 19, respectively. It may be added that although the figures of 1886 are abnormal, it is not anticipated that the institutions of civil appeals from decrees will fall below 2,000 per annum under the present system.

General Statement of Civil Appellate Work.

50. The following is a general statement of the civil appellate work (appeals from decrees and from orders) showing the institutions and disposals, with the manner of disposal :—

1	2	3	4	5	6	7	8	9	10	11	12	13
Description of appeals	Year	Number of appeals instituted	Number of appeals for disposal.	Number disposed of.	Percentage of appeals. Transferred	Dismissed for default.	Rejected	Confirmed.	Modified.	Reversed	Remanded	Average duration.
First and further appeals. From decrees	1885	906	1,445	800		3	37	25	6	19	10	251
„ orders	1885	137	227	164		4	36	18	1	10	31	174
Total		1,043	1,672	964		3	37	24	5	18	13	237
From decrees	1886	2,671	3,316	1,656		1	75	13	2	5	4	134
„ orders	1886	303	366	229		4	58	13	3	10	12	120
Total		2,974	3,682	1,885		2	73	13	3	5	4	134
Second appeals From decrees	1885		1,110	939		3	17	37	2	7	34	350
„ orders	1885		41	38		5	18	26	.	11	40	259
Total			1,151	977		3	17	37	2	7	34	346
From decrees	1886	.	171	164		5		42	1	14	38	559
„ orders	1886		3	3		33		33		34		670
Total			174	167		5		42	1	15	37	561
Grand Total	1885	1,043	2,823	1,941		3	27	30	4	12	24	293
	1886	2,974	3,856	2,052		2	67	15	3	6	7	168

Details of disposals.

51. During the whole of 1885 and the first quarter of 1886 there were five Judges in the Court. Since then there have been four, the permanent strength being now fixed at this number. The total number of appeals (from decrees and from orders) disposed of by the Court was 2,052, as compared with 1,941 in 1885, but the following details will give a more correct idea of the work actually done :—

Year.	No. of appeals.		
	Rejected by a single Judge in chambers.	Decided by a Bench.	Total.
1884	1,307	1,527	2,834
1885	519	1,422	1,941
1886	1,375	677	2,052

What has been happening since the reduction of the number of Judges to four is this, that the Chamber work has been kept up to date and the Bench work has been falling into arrears. The proportion of decisions by a Bench to the total of disposals was much higher in 1885 than in 1886. The result of this proportionately small number of decisions by Bench is that the percentage of appeals rejected has risen from 27 in 1885 to 67 in 1886 (col. 8 of the statement above), and the other details of disposal show considerable variations. Practically it is only in respect of those appeals which are *primâ facie* inadmissible that disposals have kept pace with institutions.

The following comparative statement of the work (including appeals in which there has been the preliminary hearing, but which have not been finally decided) done by the Judges in each of the past two years may be added by way of further explanation:—

Year	Chamber work.			No. of appeals decided by Benches.
	No. of appeals.			
	Rejected.	Admitted to a Bench.	Total	
1884 ...	1,307	1,474	2,781	1,527
1885 .	519	919	1,438	1,422
1886 .	1,375	1,305	2,680	677

The Court consisted of five Judges during the whole of 1884, and, as already stated, of four Judges for three quarters, and five for one quarter of 1886. The Chamber work is much the same in the two years; and the difference in the Bench work probably represents the difference on the strength of the Court.

Average duration and pending file

52. The average duration of civil appeals decided in each of the last three years has been :—

1884	...	..	..	220 days
1885	...	...	...	293 „
1886	...	...	...	168 „

The average of 1886 is low on account of the large number of appeals rejected in Chambers and the small proportion decided by a Bench. The pending file stood as follows at the end of each of the three years :—

Year.	No of appeals pending.			
	In chambers.	Before a Bench.	Over three months.	For more than a year.
1884 ...	452	1,302	1,228	296
1885 ...	88	794	695	305
1886 ...	344	1,460	1,433	232

Value and cost of Appeals.

53. The following statement shows the value and cost of the appeals from decrees which were decided in the year 1886. The value is that taken for the purpose of calculating the institution fee, and is not the true value except in suits of the first class.

Value of Suit.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveables.	In other suits.	For money or moveables.	In other suits.	For money or moveables.	In other suits.	For money or moveables.	In other suits.	For money or moveables.	In other suits.	For money or moveables.	In other suits.
Not exceeding Rs. 10	2	170	13	930	12	1,147	6 8 0	5 7 6	6 0 0	6 11 11	92	123
,, ,, ,, 50	19	396	504	10,910	167	3,141	26 8 5	28 0 9	8 12 7	8 1 2	33	29
,, ,, ,, 100	13	219	1,090	14,786	168	2,869	84 8 7	67 8 3	12 14 9	13 1 7	15	20
,, ,, ,, 500	70	247	20,005	53,031	2,326	7,181	285 12 7	219 10 10	33 3 9	29 1 2	12	13
,, ,, ,, 1,000	27	95	18,394	55,858	5,006	4,470	681 5 0	588 7 3	185 6 6	47 0 10	27	8
,, ,, ,, 5,000	51	22	1,21,440	47,421	11,379	5,102	2,381 2 10	2,155 8 0	223 1 10	231 14 6	9	11
,, ,, ,, 10,000	23	9	55,074	64,147	11,495	4,278	6,742 8 4	7,127 7 :	499 12 6	475 5 4	7	7
,, ,, ,, 1,00,000	4	2	1,12,044	39,145	5,150	1,079	28,011 0 0	19,572 8 0	1,287 8 0	830 8 0	4	4
Exceeding ,, 1,00,000	...	1	...	1,20,000	.	1,771	..	1,20,000	... . .	1,771 0 0	...	1
Appeals of which the value cannot be fixed ...	..	450	...	..	...	10,462	... ..	... ..	... .	23 3 11	...	.
Total ...	209	1,611	4,28,573	4,06,258	35,703	42,100	2051 10 7	253 4 5	170 12 3	26 3 11	8	10

Civil Revision work.

54. There has been a further increase in the number of applications under Section 622 for revision, the figures of this branch of the Court's work being for each of the past 3 years as follows:—

Year.	Pending from previous year.	Instituted.	Total for disposal.	Disposed of.	Pending at the close of the year.
1884 ...	171	792	963	784	179
1885 ...	179	1,139	1,318	1,097	221
1886 ...	221	1,391	1,612	1,449	163

Of the disposals in 1885 and 1886, 915 and 1,196 respectively were summarily rejected by a Judge in Chambers, only 248 and 184 cases in each year being admitted to hearing before a Bench. The small success attending such applications does not appear to affect the number of institutions. The results in the cases disposed of by Judges sitting in Bench were—

Year	Number of applications.			
	Dismissed.	On which order of Lower Court was		On which the case was remanded for retrial.
		Modified.	Reversed.	
1885 ...	94	2	15	71
1886 ...	125	2	22	104

Thus the total number of applications which were wholly or partially successful were 88 and 126, or less than 8 and 9 per cent. of the institutions of each year.

Other civil business.

55. The details of the other civil business disposed of by the Chief Court during the last two years are given below :—

Description of suits.	1885.	1886.
Original matrimonial cases	2	4
References under Section 17, Act IV of 1869	1	2
Uncontested applications for probate and letters of administration ...	5	6
References under Section 617, Civil Procedure Code	20	7
Applications for review, for permission to appeal as a pauper, to stay execution of decrees, and other miscellaneous applications ...	523	570
Total ..	551	585

Applications for sanction to sale of land in execution of decree are now made to the Financial Commissioner.

PART V.—GENERAL.

Service of processes, receipts and expenditure

56.—The following statement shows the process-serving establishment, the number of processes issued, with the receipts and expenditure under this head, in each of the last two years :—

Year	Establishment				Number of processes issued.			Value of stamps for the service of processes filed during the year.	Total expenditure.
	Nazirs.	Naib Nazirs.	European process servers.	Peons.	Civil	Criminal	Revenue.		
1886 .	31	191	13	2,108	12,59,022	1,17,468	79,400	3,39,892	1,87,551
1885 .	31	193	14	2,105	12,85,559	1,16,684	1,16,577	3,59,340	1,88,485

The total receipts fell off considerably, and there was also a slight decrease in expenditure. The decrease in the number of civil processes may be set down to the falling off in civil litigation noticed in Part I.

The total value of process stamps filed in 1884, was Rs. 3,40,388,

In Divisional Courts Rs. 10,653 were realized from process fees, as against Rs. 5,220 in the previous year, while Rs. 3,735 were expended on establishments and postage. In the Chief Court Rs. 3,384 were realized, of which Rs. 86 were expended on postage. The net profit to Government from the service of processes was Rs. 1,62,557, as against Rs. 1,75,979 in the preceding year.

Inspection of subordinate Courts

57. The reports of the inspections of the subordinate District Civil Courts by Divisional and District Judges show that on the whole this duty was performed very satisfactorily. Revised instructions on this subject were issued at the beginning of the year under report, and the matter appears to have received due attention, almost every outlying Court having been inspected by the Divisional or District Judge during the year. The Judges do not consider it necessary to notice any other subject connected with the administration of Civil Justice in the present report.

I have, &c.,

T. GORDON WALKER,

Registrar, Chief Court.

STATEMENTS Nos. 1 to 8.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JUDISDICTION IN CIVIL CASES IN THE PUNJAB, ON THE LAST DAY OF THE YEAR 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13
Class of Court	Area	Population.	No. of divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.	Number of Officers.		Total number of cases decided.				Remarks.
								Original		*Appeal.*		
						Europeans.	Natives.	Regular	Miscellaneous.	Regular.	Miscellaneous.	
Honorary Courts	107,010 square miles	18,842,264	13	31	124	1	54	10,271	1,081	..	...	
Paid Sub-Divisional Courts { Tahsil .						..	123	16,699	..	.	...	
Paid Sub-Divisional Courts { Munsifs ...						..	84	170,299	...	.	..	
Small Cause Courts . .						10	2	24,153	1,308	.	...	
District Courts other than Chief Courts of Dists.						27	77	24,658	6,481	3,921	265	
Chief Courts of Districts . .						30	1	4,932	4,248	4,471	331	
Total ...						68	341	250,012	38,446	8,392	596	
Divisional Courts						13		8	2,139	12,782	607	
Chief Court						4	...	4	6	1,819	232	
Grand Total ...	...	..	...	...	...	85	341	250,024	40,591	22,993	1,435	

1

STATEMENT

PART

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL

PUNJAB, DURING

1	2	3	4	5	6	7	8	9	10
	SUITS FOR MONEY OR								
CLASS OF COURT.	*Contract in writing.*								
	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Rent other than of land.	Moveable property or value thereof.
Honorary Courts	112	2,792	2,143	2,583	20	196	109	36	704
Paid Sub-Divisional Courts { Tahsil ..	106	3,177	2,943	3,750	34	169	323	203	1,712
Paid Sub-Divisional Courts { Munsifs .	1,537	66,050	30,252	35,087	166	2,535	1,814	1,346	10,673
Small Cause Courts	130	7,111	4,284	5,199	126	3,593	1,196	1,214	667
District Courts other than Chief Courts of Districts	863	4,149	1,717	2,958	14	82	173	117	820
Chief Courts of Districts . ..	203	218	38	212	9	9	16	7	26
Total ..	2,951	83,497	41,377	49,789	369	6,584	3,131	2,923	14,602
Divisional Courts	...	...	...	...	..	...	...	...	...
Chief Court		..	...	...	...	...	...	...	..
GRAND TOTAL ...	2,951	83,497	41,377	49,789	369	6,584	3,131	2,923	14,602

STATEMENT

CLASS OF COURT	23	24	25	26	27	28	29
	OTHER						
	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.
Honorary Courts	24	45	19	61	...	..	2
Paid Sub-Divisional Courts { Tahsil .	22	13	25	23	1	...	12
Paid Sub-Divisional Courts { Munsifs .	222	1	289	78	28	1	48
Small Cause Courts	.	.	.	...	.	.	...
District Courts other than Chief Courts of Districts . . .	233	91	718	329	44	4	141
Chief Courts of Districts	135	7	217	37	15	3	14
Total .	636	157	1,268	528	88	8	217
Divisional Courts	.	..		.	.	..	..
Chief Court . .		...		.	...	.	...
GRAND TOTAL ..	636	157	1,268	528	88	8	217

No. 2.

I.

AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE THE YEAR 1886.

11	12	13	14	15	16	17	18	19	20	21	22
MOVEABLE PROPERTY.				OTHER SUITS.							
				Suits for possession or recovery of immoveable property founded on							
Damages.	Other suits for money or moveables not already mentioned.	Total.	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Court under Sec. 54, Punjab Courts Act.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other cause.	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contract.
111	115	8,921	1	79	126	6	36	.	433	11	3
203	256	12,876	...	524	973	7	247	.	1,459	5	39
1,277	879	1,51,116	5	3,575	2,386	29	810	148	3,640	91	92
94	270	23,884	..	...	...	.	..		...	...	...
174	216	11,283	5	2,436	2,356	79	909	106	2,725	329	118
23	33	794	...	154	221	28	134	1	137	136	19
1,882	1,769	2,08,874	11	6,768	6,062	149	2,136	255	8,394	572	271
...	...	...	...	...	..	...	...	..	..	...	...
...	...	...	...	...	...	...	...	...	...	...	...
1,882	1,769	2,08,874	11	6,768	6,062	149	2,136	255	8,394	572	271

No. 2.—*concluded.*

30	31	32	33	34	35	36	37	38	39	40	41	42	43	44

SUITS.—*concluded.*

Suits relating to betrothals, marriage, divorce and dower.														
Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881.	Any suits not included in the foregoing columns.	Total.	Grand Total.	Total number of suits shown in columns 2 to 7, which were brought by bankers or shopkeepers against agriculturists.
103	21	1	17	10	.	3	...	..	...	...	5	1,005	9,927	4,662
51	...	...	32	6		14	...	.	2	..	24	3,479	16,355	5,131
1,179	75	18	1,295	51		10	1	.	2	.	47	14,116	1,65,237	86,799
...	..	...			.	..	.		.	...	..	.	23,884	1,468
288	1,884	25	164	50	1	3	2	1	27	...	115	13,178	24,466	5,436
8	273	2	4	24		3	2	.	23		41	1,648	2,442	129
1,629	2,253	46	1,512	141	1	33	5	1	64	.	232	33,426	2,42,311	1,03,625
...	...	4	..	..	.	...		.	...	...	5	9	9	..
...	..	2		...	...	...	.	...	...		1	3	3	
1,629	2,253	52	1,512	141	1	33	5	1	64	...	238	33,438	2,42,323	1,03,625

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Under the Code of Civil Procedure.											Other Miscellaneous cases.										
CLASS OF COURT	Plaints rejected or returned without registration	Applications for the withdrawal or transfer of a suit or appeal	Applications under Secs. 99, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of attached property under Secs. 278 and 487.	Complaints under Secs. 328, 332, 334 and 335, except when, in case of obstruction by a claimant in good faith, the case is under Sec. 331, to be registered as a suit	Enquiries under Sec. 259, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under Sec. 401, for permission to sue as a pauper	Applications under Section 592, for permission to appeal as a pauper.	Applications under Sec. 623, for review of judgment.	Proceedings under Secs. 174 and 643.	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates	Applications regarding the care of lunatics' estates, and the guardianship of their persons, under Act XXXV of 1858	Applications for certificates under Act XXVII of 1860.	*Uncontested* applications for probates and letters of administration under Acts X of 1865 and V of 1881, and applications for the revocation of such probates and letters	Other cases connected with the custody and disposal of intestate property.	Section 14 of the Legal Practitioners Act, 1879.	Applications for certificates under Section 40, (*c*) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns.	Total.
Honorary Courts	136	.	500	380		3	8	...	63	...	1,090	..	..	...	...	..	..	...	...	...	10	10
Paid Sub-Divisional Courts { Tahsil	438	1	706	720	4	9	19		113	...	2,010	..	..	...	...	..	..	...	...	...	2	2
Paid Sub-Divisional Courts { Munsifs	2,890	16	9,921	8,792	65	413	446	14	776	77	23,410	...	...	...	...	..	..	...	...	...	65	65
Small Cause Courts ..	166		623	322		9	21	15	150	5	1,311	...	.	..	...	...	..	..	..	...	1	1
District Courts other than Chief Courts of Districts	1,865	24	1,442	1,991	12	92	455	40	337	7	6,265	9	65	...	125	.	..	...	...	...	17	216
Chief Courts of Districts .	631	225	277	183	4	20	133	4	241	6	1,724	1,579	388	6	447	27	1	...	...	...	78	2,526
Total ...	6,126	266	13,469	12,388	85	546	1,082	73	1,680	95	35,810	1,588	453	6	572	27	1	.	.	...	173	2,820
Divisional Courts .	552		95		...	.		57	187	.	891	...	..	...	...	...	...	.	1,162	28	...	1,190
Chief Court ..	.			..				...	..	.	...	..	.	...	..	6	...	...	.	..	...	6
GRAND TOTAL ..	6,678	266	13,564	12,388	85	546	1,082	130	1,867	95	36,701	1,588	453	6	572	33	1	...	1,162	28	173	4,016

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1886.

STATEMENT

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED

1	2	3	4	5	6	7	8	9
	Number of							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*			
Class of Court.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	2,861	112	108	44	4,558	140	156	57
Paid Sub-divisional Courts { Tahsil	4,848	1,161	300	75	6,508	891	436	137
Paid Sub-divisional Courts { Munsifs	38,950	1,656	1,045	224	70,078	2,180	2,230	1,378
Small Cause Courts	7,769	..	...	...	10,928	...	..	..
District Courts other than Chief Courts of Districts	1,794	1,457	235	42	3,802	2,585	692	219
Chief Courts of Districts	2	18	1	...	23	104	2	...
Total	56,224	4,404	1,689	385	95,897	5,900	3,516	1,791
Divisional Courts	...	...	..	...	..	..	.	...
Chief Court	...	..	...	..	...	...		...
Grand Total ...	56,224	4,404	1,689	385	95,897	5,900	3,516	1 791

STATEMENT

	26	27	28	29	30	31	32	33	34	35	36	37
	Number of suits											
	Not exceeding Rs. 10,000.				*Not exceeding Rs. 1,00,000.*				*Exceeding Rs. 1,00,000.*			
Class of Court	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	.	...	...	...	...	...	...	..	...	..	...	..
Paid Sub-divisional Courts { Tahsil . ..	..	...	...	...	..	...	..	...	.	..	...	...
Paid Sub-divisional Courts { Munsifs ...	..	...	...	..	.	..	..	...	.	..	..	.
Small Cause Courts	..	..	...	..	...	...	..	..	...	...	...	...
District Courts other than Chief Courts of Districts	11	9	1		4	1	..	7	..	...	...	...
Chief Courts of Districts	53	11	4	1	21	2	4	...	...	...	.	...
Total . .	64	20	5	1	25	3	4	7	.	...	.	...
Divisional Courts	...	.	..	..	...	...	...	...	...	..	...	
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total	64	20	5	1	25	3	4	7	...	...	...	...

No. 3.

IN THE CIVIL COURTS OF THE PUNJAB, DURING 1886.

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

SUITS INSTITUTED.

Not exceeding Rs. 100.				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not exceeding Rs. 5,000.*			
For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
1,087	57	56	49	400	57	49	42	14	..	...	23	1	...	...	1
1,507	271	109	63	13	5	.	2		...	..	...	...	...	...	...
24,650	1,218	882	698	17,401	838	583	492	37	55	2	...	...	...	...	...
2,790	...	...	...	2,397	...	...	...	...	...	...	...	...	...	...	...
1,824	1,354	381	157	2,425	1,153	445	193	1,204	443	171	46	221	128	16	9
24	81	5	5	84	230	32	14	203	39	23	10	384	282	73	19
31,882	2,981	1,433	972	22,718	2,282	1,112	743	1,458	537	199	79	606	405	89	29
...	...	...	...	...	...	..	...	...	..	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
31,882	2,981	1,433	972	22,718	2,282	1,112	743	1,458	537	199	79	606	405	89	29

No. 3.—*Concluded.*

38	39	40	41	42	43	44	45	46	47	48

INSTITUTED—(*Concluded.*)

Suits of which the value cannot be fixed.			TOTAL.				*Total value of suits.*			
For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits
							Rs.	Rs.	Rs.	Rs.
6	18	31	8,921	372	387	247	3,19,171	22,767	28,325	29,916
10	16	3	12,876	2,338	861	280	3,12,867	54,121	20,791	9,648
263	209	168	1,51,116	6,210	4,951	2,960	67,96,254	4,16,827	3,74,441	1,98,331
...	...		23,884	...	..	...	10,05,247	...	...	..
956	294	2,189	11,283	8,080	2,241	2,862	22,16,690	9,64,884	3 66,724	2,58,415
225	95	368	794	302	239	417	16,06,279	4,73,252	3,26,553	73,233
1,460	632	2,759	2,08,874	17,992	8,679	6,766	1,22,56,508	19,31,851	11,16,834	5,69,543
..	...	4	...	...	...	9	...	...	...	...
...	...	3	..	...	...	3	..	...	...	...
1,460	632	2,771	2,08,874	17,992	8,679	6,778	1,22,56,508	19,31,851	11,16,834	5,69,543

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1886.

PART I—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	No. of cases pending more than three months at the close of the year.	*Average duration of suits.*		Average number of days the parties, or either or any of them, had to attend Court.
		Transferred to Courts in other Provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part	Judgment for Defendant.					
Honorary Courts	10,953	1	2,132	2,059	2,124	1,169	148	97	23	1,941	577	682	20	36	22	4
Paid Sub-Divisional Courts { Tahsil ...	17,870	13	3,328	3,811	2,674	1,301	129	220	71	3,618	1,534	1,171	19	29	19	3
Paid Sub-Divisional Courts { Munsifs	1,82,365	1	33,842	36,274	33,000	18,414	2,279	814	170	33,801	11,704	12,066	485	31	21	2
Small Cause Courts .	25,639	1	3,479	4,529	4,687	4,437	172	132	25	5,024	1,667	1,486	134	17	15	2
District Courts other the Chief Courts of Districts.	26,298	7	4,973	2,602	2,893	1,658	491	239	66	6,571	3,966	2,832	248	53	35	3
Chief Courts of Districts . . .	6,022	8	797	456	325	247	75	102	19	1,873	1,222	898	213	69	50	4
Total ..	269,147	31	48,551	49,731	45,703	27,226	3,294	1,604	374	52,828	20,670	19,135	1,119	34	22	3
Divisional Courts	10		...	...	.	1	.	.	...	4	3	2	1	109	1	4
Chief Court	6	..		...	...	..	...	.	...	1	3	2	...	183	...	1
GRAND TOTAL ...	269,163	31	48,551	49,731	45,703	27,227	3,294	1,604	374	52,833	20,676	19,139	1,120	34	22	3

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB, DURING THE YEAR 1886.

PART II.—*Miscellaneous Cases.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS OF COURT.	Total number of cases before the Court	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	No. of cases pending more than three months at the close of the year.	Average duration of cases, contested and uncontested.	Average number of days the parties or either or any of them had to attend Court.
		Transferred to Courts in other Provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*					
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.				
Honorary Courts	1,148	...	236	43	60	23	13	...	...	434	272	67	1	16	2
Paid Sub-Divisional Courts — Tahsil	2,142	...	731	130	67	28	30	4	1	672	389	90	...	13	2
Paid Sub-Divisional Courts — Munsifs	25,097	...	6,621	1,283	1,333	736	261	7	1	8,049	4,985	1,821	35	17	2
Small Cause Courts	1,359	...	350	106	38	55	4	3	...	441	311	51	2	13	2
District Courts other than Chief Courts of Dists.,	5,296	...	1,905	213	172	50	26	3	1	1,544	1,090	292	10	16	2
Chief Courts of Districts	6,055	...	1,663	171	189	354	76	...	...	2,277	995	330	8	22	2
Total	41,097	...	11,506	1,946	1,859	1,246	410	17	3	13,417	8,042	2,651	56	18	2
Divisional Courts	2,189	13	1,499	.	...	72	333	...	...	176	46	50	19	26	2
Chief Court	7	..	...	...		6	...	..	..	...	...	1	...	16	1
GRAND TOTAL	43,293	13	13,005	1,946	1,859	1,324	743	17	3	13,593	8,088	2,702	75	18	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS, IN THE PUNJAB, DURING THE YEAR 1886.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14.	15	16	17	18
					HEARD *ex-parte*.				CONTESTED.								
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to other districts.	Decisions confirmed, Section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted.	Confirmed	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Of these pending more than 3 months.	Average duration of appeals.	Objections under Section 561, Act X. of 1877.	Objections allowed.
Appellate Courts other than Chief Courts of Districts	140		18	6	12	..	...	1	38	20	25	13	7	..	39	...	...
Chief Appellate Courts of Districts	8,886	29	1,758	382	125	42	47	26	2,755	792	1,460	843	627	18	30	28	12
Total	9,026	29	1,776	388	137	42	47	27	2,793	812	1,485	856	634	18	30	28	12
Divisional Courts — Appeals from original decrees	15,986	136	1,644	579	161	10	42	13	5,347	612	2,791	1,266	3,385	1,703	171	436	266
Divisional Courts — Appeals from appellate decrees	187	1	1	8	4	...	...	...	75	7	73	12	6				
Chief Court — Appeals from original decrees	236	...	19	2	...	..	1	2	25	8	11	17	151	131	171	3	1
Chief Court — Appeals from appellate decrees	3,251	..	1,225	25	5	3	4	6	251	30	93	93	1,516	1,202	163	14	6
GRAND TOTAL	28,686	166	4,665	1,002	307	55	94	48	8,491	1,469	4,453	2,244	5,692	3,054	124	481	285

PART II.—MISCELLANEOUS.

Appellate Courts other than Chief Courts of Districts	6	.	..	1	..	...	.	...	2	..	1	2	...	...	42	...	...
Chief Appellate Courts of Districts	639	...	119	37	15	1	4	2	164	4	113	131	49	1	26	...	...
Total	645	...	119	38	15	1	4	2	166	4	114	133	49	1	26	...	...
Divisional Courts — Appeals from original orders	736	40	88	28	17	1	6	3	191	13	154	65	130	48	76	4	4
Divisional Courts — Appeals from appellate orders	1	...	..	.	...	...	...	...	...	..	1	...	...				
Chief Court — Appeals from original orders	136	.	51	5	..	..	1		9	2	10	11	47	33	120	...	...
Chief Court — Appeals from appellate orders	233	..	80	3	1	...	...	...	23		12	20	90	67	139	..	...
GRAND TOTAL	1,751	40	338	74	33	2	11	5	389	23	291	229	316	149	64	4	4

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB, DURING THE YEAR 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
		Applications disposed of										Realizations in Decrees for money.				Number of Applications.													
			Satisfaction obtained in full.		Satisfaction obtained in part.							Amount realized.																		
CLASS OF COURT.	Total number of applications to execute decrees for disposal.	By transfer under Section 223.	Through the Court.	Under Section 258.	Through the Court.	Under Section 258.	Wholly infructuous.	Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Without issue of coercive process.	After issue but without execution of process.	With the issue of process.	Total realized.	On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment.	On which the judgment-debtor was imprisoned.	On which moveable property		On which				On which possession was given.		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
																			Was attached but, subsequently released	Was sold.	Immoveable property was attached, but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under Section 305 or Section 326, Civil Procedure Code.	Of moveable property.	Of immoveable property.			
											Rs.	Rs.	Rs.	Rs.	Rs.															
Honorary Courts ...	5,389	19	1,752	26	1,080	27	1,843	642	50	56	2,51,865	6,160	11,824	60,923	78,907	1,362	215	22	1,562	283	138	1	52	...	8	256	3	2	...
Paid Sub Divisional Courts { Tahsil ..	12,770	18	4,635	76	2,545	46	4,264	1,186	72	18	4,25,184	11,654	32,035	1,16,348	1,60,037	2,307	509	36	3,932	774	279	2	55	11	26	922	5	1	12
Munsifs	136,911	626	31,490	490	27,465	495	59,767	16,578	1,548	772	64,67,305	1,30,800	3,72,588	14,02,271	19,05,659	33,040	5,647	681	30,106	6,395	3,314	11	1,225	316	79	2,597	15	22	2
Small Cause Courts ..	16,909	495	3,569	1,394	3,497	1,433	5,458	1,063	144	116	6,09,924	79,809	32,297	1,13,412	2,25,518	6,497	1,856	100	1,506	451	..	...	...	..	17	...	56	...	36
District Courts other than Chief Courts of Districts	23,688	96	6,229	135	3,633	107	10,235	3,253	431	379	31,32,166	62,432	1,47,698	5,64,655	7,74,785	4,936	784	175	3,753	1,500	1,177	15	436	94	89	1,809	107	18	1
Chief Courts of Districts	5,159	50	1,406	79	835	29	1,947	813	115	87	24,64,411	1,57,063	1,20,784	3,82,508	6,60,355	988	109	49	751	256	162	11	90	24	31	504	60	2	4
Total ...	200,826	1,304	49,081	2,200	39,055	2,137	83,514	23,535	2,360	1,428	1,33,50,855	4,47,918	7,17,226	26,40,117	38,05,261	49,130	9,120	1,063	41,610	9,659	5,070	40	1,858	445	241	6,088	246	45	55

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB, DURING THE YEAR 1886.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURT

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.									
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF									NUMBER OF INSOLVENTS BEFORE THE COURT				DISPOSED OF					
CLASS OF COURT	Pending at the close of the previous year	Filed during the year: By judgment debtors: Under arrest or imprisonment.	Filed during the year: By judgment debtors: Not under arrest or imprisonment	Filed during the year: By decree-holders	Received by transfer from other districts	Total	Transferred to other districts	Withdrawn or otherwise not prosecuted.	Granted: A receiver being appointed	Granted: A receiver not being appointed	Rejected: Penal proceedings under Section 359 not being taken	Rejected: Sentence of imprisonment being passed under Section 359	Rejected: Applicant being sent to the Magistrate to be dealt with	Total	Pending at the close of the year	Remaining at the close of the previous year	Declared to be insolvents during the year	Received by transfer	Total.	Transferred	Died	Discharged: Under Section 351	Discharged: Under Section 355	Remaining at the close of the year	REMARKS
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code	42	14	155	..	.	211		67	49	20	23	...	.	159	52	26	70	. .	96	...	...	21	47	28	
District Courts	59	87	241	2	.	389	1	124	45	44	99			313	76	25	92	...	117	.		43	45	29	
Total	101	101	396	2	...	600	1	191	94	64	123	..	.	472	128	51	162		213	...	...	64	92	57	

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB, DURING THE YEAR 1886.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of insolvents' estates in the hands of Receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*				
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of the previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of receivers at the close of the year.	REMARKS.
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code ..	23	49	52	20	1,05,301	42,237	14,157	30,321	1,10,151	1,804	16,707	17,083	1,428	
District Courts	39	45	50	34	2,36,932	2,91,401	89,657	68,200	4,16,920	35,846	64,709	85,400	15,155	
TOTAL ...	62	94	102	54	3,42,233	3,33,638	1,03,814	98,521	5,27,071	37,650	81,416	1,02,483	16,583	

STATEMENT No. 8.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1886

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which Judge agreed with assessors.	*Number of cases in which Judge differed from*	
				One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	29	20	7	2

APPENDIX TO THE CIVIL REPORT,

1886.

EXTRACTS FROM DIVISIONAL AND DISTRICT REPORTS.

Extracts from Annual Civil Reports of Divisional and District Judges.

SUBJECT .—*Classification of suits.*

DIVISIONAL JUDGE, UMBALLA.

(MR. T. ROBERTS.)

The decrease of suits on "account stated" is a satisfactory feature in the Umballa returns, but the number of such suits is still very high, and in the Simla district it far exceeds those of any other class. The facility with which a money-lender can strike a balance and get two men of his class to swear that the debtor admitted its correctness and made a promise of payment in their presence, opens a wide door for false and fraudulent claims. The Courts should scrutinize such claims far more rigidly than they usually do, and reject all that are not supported by unexceptionable evidence. Closely akin to these are claims supported by ledger accounts, which are often fictitious, and which it is possible to make up a day or two before instituting a suit. In point of honesty I don't think the cultivators as a class are greatly superior to the baniahs, and perhaps fraudulent claims are not more frequent than the dishonest repudiation of just debts; but at present the habits of both classes are such as to render the task of distinguishing the false from the true very difficult, if not impossible. As a remedy it has been suggested that Government should issue paged account books with a water mark on every leaf, and the Courts should be authorized to reject as evidence accounts entered in any other books. By this means the interpolation of new leaves could no doubt be easily detected, but false debit items might be entered from time to time, in the standard books just as easily as at present, and such entries extending over a course of years are now far more common than whole accounts manufactured in a day for the purpose of a suit. The revival of an old rule promulgated years ago by the Judicial Commissioner against the reception of a single account book as corroborative evidence of a debt, would I think do more good. If every account claim were rejected which was not supported by daybook and ledger, the system of village book-keeping would soon be revolutionized, and this is a change devoutly to be wished for, but which will never take place so long as the baniah finds that a few scrawls legible only to the writer are accepted by the Courts as sufficient corroboration of his own testimony against his debtor.

The greatest obstacle to improvement, however, lies in the foolish credulity of the debtor himself, and this can only be removed by the spread of primary education and the increased enlightenment which would result therefrom. In the meantime the Courts must strive to lessen the evil which is admitted to exist.

DIVISIONAL JUDGE, MOOLTAN.

(MR. F. D'O. BULLOCK).

The Mooltan returns show a considerable increase in the number of suits on "account stated," and there can be no doubt that the District Judge's remarks are much to the point. This form of suit is the easiest to bring, and the facilities for fraud are unlimited. The books are kept in a primitive and, I fear, not altogether honest way; the accounts are not shown in proper annual sequence: the year is generally omitted, and though it may usually be ascertained by tracing back the items to a distance, I have known instances, and those not infrequent, in which it has been quite impossible to detect the year to which a number of items belong. The usual way is to strike a balance which is full of interest, and then to add one or two subsequent items of insignificant amount to shew continuance of the dealing. I believe a large proportion of these balances to be fabrications, but at the same time it must be admitted that debtors frequently sign or mark balances in a perfectly apathetic and haphazard way.

DISTRICT JUDGE, MOOLTAN.

(MUHAMMAD HAYAT KHAN.)

One main cause of the increase is attributable to the fact, that the system of book keeping as in vogue in the greater part of the district is very imperfect and leaves much room for a fabrication remaining undetected, the Judge being left solely to depend on oral evidence. The system referred to above comprises a bahi "sur" and a "kháta" without any cash or day book, which is more essential. In a bahi "sur" kept most regularly, one can yet find blank spaces which can be filled up at any time without the least possibility of detection as to the time when they were so filled up One of the remedies which can be suggested to put a stop to the state of things is that the necessity of keeping a day book be enforced, and that greater caution be exercised in admitting

such books in evidence. The subordinate Courts have been requested to be more particular, and I hope better results will ensue next year. Another cause arises from the greater facilities attending the striking off fictitious balances in books of account, the necessity of affixing only a one anna stamp (when an advalorem stamp was required, since most of the balances can be construed as promises to pay), the ignorance of the majority of the masses, especially the labourers and cultivators to the Hindi character in which the accountts are kept up, the ease with which witnesses are procured, have not only opened up a door for fraud but has likewise effected a great decrease in the stamp revenue.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. WILSON.)

The increase in suits brought by shopkeepers or bankers against agriculturists was 100, from 3,532 to 3,632, but the number is still much below the 4,346 of 1884. Such suits form 65 per cent. of the whole institutions, against 42, the average percentage for the Province. A high proportion of suits of this nature was to be expected in a district with so little trade, but it is also due to the general indebtedness of the unthrifty Muh ammadan population, dependent on fluctuating income from varying crops. A large proportion of the proprietary profits of land in this district, and no small portion of the land itself, have passed from the hands of Musalman agriculturists into those of Hindu money-lenders, who are given undue advantage over their careless and ignorant debtors by our Courts and their procedure. It is the triumph of thrift over unthrift; but thrift is not the only virtue, and the state of society and the true progress of the country are not advanced by depressing the peasant and enriching the shopkeeper at his expense. It is easy to shut the eyes and inveigh against the extravagance and want of forethought of the Muhammadan peasant, but we cannot rid ourselves of the responsibility for much of the change that is taking place so rapidly in the possession of land and of the profits of its cultivation. It is greatly due to the fatal gift to ignorant peasants of a transferable proprietary right, but it is also owing to the undue advantage given by the law of evidence to written over oral testimony and to registered over unregistered deeds. In a country where the mass of the people are ignorant of writing and naturally deficient in forethought, it is both foolish and culpable of their rulers with their traditions of a thrifty commercial population generally well educated, to impose upon them laws suited only to an advanced society of the latter description. I hold that in all cases between shop-keepers and agriculturists the Court should be allowed to go behind the deed, whether registered or not, to enquire into the real value and amount of the transactions which have taken place between the parties, and to decree accordingly with reasonable interest. Oral should not be excluded by written evidence, and greater precautions should be taken in admitting the latter, oral evidence of a trustworthy nature being required to support and explain it; for instance, no book evidence of shop-keeper's accounts with agriculturists should be admitted unless written on books so bound and paged as to prevent leaves from being changed without detection. Written evidence has naturally so much advantage over oral evidence that it should be hedged about with restrictions instead of being given artificial advantages. I consider that the law of evidence on these points is wholly unsuited to this country and urgently requires to be amended, as it is ruining the agricultural population, morally as well as materially.

Subject.—*Execution of decrees.*

DIVISIONAL JUDGE, UMBALLA.

(Mr. ROBERTS.)

Several cases, civil and criminal, arising out of execution proceedings which have come before me during the year, have directed my attention to the inefficiency of the sheriff's establishments. The impropriety of entrusting the important duties of attaching property and conducting sales to men drawing Rs. 5 or 6 a month, and often unable to read or write, must be obvious to any one who gives any thought to the subject. To such men the temptation to take a bribe from the judgment-debtor for releasing property, or from the decree-holder for making an unauthorized attachment, is too great to be withstood. A special class of men of good elementary education ought to be entertained on a salary of Rs. 10 a month, to be employed wholly or chiefly in execution work, and the duties of ordinary mazkuries should be restricted to serving processes.

DISTRICT JUDGE, KANGRA.

(Mr. G. W. RIVAZ.)

Mazkuries on Rs. 6 per mensem are as a whole too ignorant and low a class of men to be entrusted with the work of attachment of property and of putting decree-holders in possession of decreed property. On the other hand, they are quite up to the serving of summonses. I think in every tahsil a certain number of special mazkuries should be appointed for the former more difficult work, and these men should be of some education and get not less than Rs. 10 per mensem.

DIVISIONAL JUDGE, LAHORE.

(MR. ROE.)

Although there has been a slight decrease in the percentage of realizations on the total value of the decrees in execution, yet the total realized after execution shows a substantial increase. The number of decrees "wholly infructuous" is, however, still large, and there has been an increase from 22 to 32 days in the average duration of execution proceedings, and in the number of cases pending over 3 months. From cases that have come before me from time to time, I think there is a general slackness in procedure in execution as compared with that in regular suits. If the Courts realized more fully that to execute a decree is almost as important as to pass one, I believe our figures would show a considerable improvement.

DISTRICT JUDGE, MOOLTAN.

(MUHAMMAD HAYAT KHAN.)

The number of applications for execution of decrees which have proved wholly infructuous has risen by about 400. This is due to the fact that many decrees are satisfied out of Court in whole or in part, but for want of formal verification they appear as wholly infructuons in the Civil returns. The period of 20 days fixed by law for getting payments legally certified is short, and people cannot but feel dissatisfied if, as is true in certain cases, they have paid the amount out of Court, but, having failed through ignorance to have it legally certified within the prescribed time, they are referred to a separate suit for their remedy. I believe a partial remedy may be obtained by increasing the period within convenient limits.

DISTRICT JUDGE, MUZAFFARGARH.

(MR. J. C. BROWN.)

The falling off in realizations is to be regretted, but I observe from the Annual Civil Report of the Province for 1885, p. 11, para. 24, that the percentage of decrees completely executed is gradually decreasing throughout the Province. One point I am convinced of, and I think the figures of Statement VI for this District confirm my view. It is that an unknown number of decrees are satisfied out of Court, but from not being certified to by the decree-holder, appear as infructuous in the returns. We find, for example, a large increase in process issued, and a large decrease in attachments followed by sale and imprisonment. A reasonable conclusion seems to be that on issue of process the debtor pays in whole or part or satisfies his creditors without further coercion. I have lately issued an order as to the certifying of payments which may lead to an improvement in next year's returns.

But all said, I do not think the working of the Courts here is what it should be: they will be once more urged to exertion, with reference to low percentage of realizations, high average duration and low disposals, 86 per cent. as against 93 per cent. in 1885.

SUBJECT.—*Value and cost of appeals.*

DIVISIONAL JUDGE, UMBALLA.

(MR. T. ROBERTS.)

The trifling value of a large number of the cases which come before the Divisional Court in appeal is a subject which calls for some remark. While a District Judge can finally decide a suit for Rs. 500, in a dispute about a cattle trough or a square yard of land worth 3 or 4 rupees, an appeal lies to the Divisional Court, and very often a further appeal to the Chief Court. Surely it is inexpedient to take up the time of the most highly paid Judges in deciding suits of such a trivial nature which pay only an insignificant fraction towards the cost of the Judicial administration, and which might safely be entrusted for final decision to Courts of a lower grade. The existing law of appeal sorely needs amendment, and unless such amendment is soon taken into consideration few of the Divisional Courts, to say nothing of the Chief Court, will be able to keep pace with the work thrown upon them.

SUBJECT.—*Process fees and Process-serving Establishment.*

DISTRICT JUDGE, MULTAN

(MUHAMMAD HAYAT KHAN).

Many irregularities are reported in the way in which the process-serving establishment attach and sell property in execution of decrees. Complaints are often made to the effect that they either improperly seize or illegally release property, but as long as these important functions are entrusted to such illiterate and poorly paid men as now form the process-serving establishment, it is impossible to expect that things will much improve in this respect.

The plea of ignorance and inability to read and write is constantly advanced by the peons whenever they are called upon to answer for any irregularities, and there can be no doubt that unless measures are adopted to put a stop to this plea they cannot be held responsible. It would, I think, remedy the inconvenience if a special staff of bailiffs for attachment and execution work is appointed At present I would only recommend the appointment of three special bailiffs by way of experiment on Rs. 30 a month. This would not be very difficult to carry out, as at present almost half the income from process fees is unexpended and so funds can easily be made available to meet the cost of the establishment proposed.

DISTRICT JUDGE, SHAHPUR.

(MR. WILSON.)

I would strongly urge that the surplus income from this source be applied to its legitimate object, *viz.*, to increasing the pay of process-servers to Rs. 8 and Rs. 10 a month, so as to secure men who can write, and remove at least the excuse for taking bribes. It is a disgrace to our administration to send poorly paid peons about the country to prey on the people, and at the same time to pocket a handsome surplus out of the fees charged to litigants for their cost. I would not, however, reduce the fees charged for process-serving; but would give better men and better work for the money.

SUBJECT.—*Any subject connected with the administration of Civil Justice not included in the above.*

DIVISIONAL JUDGE, FEROZEPORE.

(MR. TRAFFORD).

Perhaps I may be allowed to note the effect of the working of the Punjab Courts Act on appeals.

It seems very anomalous that in cases where money alone is concerned, the order of this Court should be subject to further appeal, whereas that of a Small Cause Court is not, where the dispute arises out of attachment of moveable property in execution, breach of betrothal, libel, however small the amount decreed. If this Court interferes with original Court's orders a further appeal lies. The same remark applies to cases where the dispute is as regards amount to be paid for pre-emption or amount of money secured by mortgage and the like when real property is only indirectly concerned when a payment or nonpayment of a sum of money is the direct result of the suit. Many of the above cases are as simple in their nature as those decided by a Small Cause Court. The case of real property is somewhat different, but I cannot help thinking we attach an exaggerated importance to suits of this nature, when we allow a second appeal in every petty case where order of first Court is interfered with.

In the Small Cause Court a man may have a decree passed against him for Rs. 500 with no right of appeal, whereas this Court has no power of passing a final order with regard to a dispute about land worth Rs. 5. One consequence of this is that this Court is naturally unwilling to interfere even in cases where perhaps it should, knowing the long course of litigation that may arise in consequence. Another consequence is that disputes about comparatively trifling matters are prolonged for years, creating an immense amount of bad feeling and causing parties to spend large sums in litigation; finally, the Chief Court are troubled to decide a large amount of petty litigation which under the Bench system was saved. I believe it would be greatly to the advantage of the people at large to prevent these petty suits from becoming open sores by further limiting the right of appeal. So long as the parties can appeal they hold it a point of honour to do so, whereas if there was no appeal they would be content to abide by the decision of the Local Courts. I would propose some such limitation as follows:

No appeal should lie from Court of Munsif where the value of property did not exceed Rs. 10 in cases of real property, or Rs. 20 in money cases.

No appeal to lie from order of Divisional Court in cases where the claim directly concerns money only or moveable property and where the amount does not exceed Rs. 500. No appeal to lie from order of Divisional Judge in cases where value of property does not exceed Rs. 100.

This would still leave it open to parties to appeal further in cases of real property where any considerable property was at stake, and leave to appeal might be granted in other exceptional cases as at present.

I trust it may not be considered presumptuous or out of place on my part to make the above suggestions, but if it is, they may be ignored and taken as not written. I have made them from a desire to further the best interests of the people and from no personal feeling in the matter.

DISTRICT JUDGE, LAHORE.

(Mr. CHANNING).

I do not at present desire to record any further remarks, except that the portions of our judicial machinery which most need improvement are, I think, the petition-writers and the process-servers charged with execution of decrees. Of course a great deal might be written about the whole system of administration of civil justice, but I would rather reserve my opinions for the present: the faults are easier to see than the remedies.